To the Town Reeve of the Township of , in the County of Waterloo, Wellington District, C.W.

SIR :—

WHENEVER I am authentically informed of the day upon which you and your brother Reeves are to assemble—~~after being constituted~~—I will apply to the Reeve of the Township in which I reside, to lay before you, collectively, a Petition embodying the following statements.

I am,

SIR,

Your Obedient,

JOHN FOOTE,

Fergus.

That by representations made by JAMES WEBSTER, Esq., and which were not sustained by facts, and by a course as insiduous as it was pertinaciously urged, the *Undersigned* was inveigled into an agreement with the Hon. ADAM FERGUSSON, of Woodhill, and the said James Webster, to act under the designation, *publicly*, of a *Land* and *General* Agent, &c. &c. and had the Official appointments of *Coroner*, *Public Notary*, and *Commissioner* of the *Queen's Bench*, conferred upon him ; but without being made aware of these appointments till the Commissions were received.

A. . Fergusson, (Exjudge) the successor to James Webster in the representation of the County of Waterloo, concurring—

That when the undersigned entered to perform the duties of that situation, they were not those which they were represented by James Webster, they would be ; but they were *discreditable*—THE OBJECT INFAMOUS : and a Magistrate, conversant in part with the private practices of that Agency, has stated, "that the situation was for SOME OBJECT OTHER than the improvement of the country."

That the undersigned, upon detecting the fraud practised upon hm, expressed in writing to A. J. Fergusson the reluctance with which he had ratified the agreement—waited upon him at Guelph—pointed out an instance of imposition by bad faith ; but received neither explanation nor satisfaction. That the undersigned delayed tendering a written resignation till he should be afforded an opportunity to converse with his *Honor* on the subject of that Agency ; but before such an opportunity occurred, the undersigned was summoned to Guelph, and did there hold Inquest on *Oliver*, as murdered by *Coughlin*. Having thereby performed a duty, serious and inportant, alike to the individual as to society, he, to maintain appearances, but with feelings of ill-suppressed disgust, continued his attendance at the Agency, till about ten days before Coughlin's trial at the Assizes; then sent his resignation through A.J. Fergusson, to his father, the Hon. Adam Fergusson, and James Webster, who at that time were attending to their Parliamentary duties at Montreal, retired, and separated himself from the connection.

Since that time (June, 1847,) the undersigned has exhausted, but fruitlessly, all amicable, private, and mediative resources in order to obtain a settlement. Litterly, he employed an Agent to prosecute for an adjustment in Court, and for that purpose supplied him with documents, containing, it is believed, ample details. That Agent had an interview with his Honor on that subject, on the great Reform dinner day, held last summer at Guelph ; but nothing ensued from him or his colleague to effect an arrangement. Ultimately these documents, owing, it is believed, to the illness or absence of the Agent,have, it is supposed, passed into other hands, from which it appears to be impossible they can be recalled, as application to an Agent, and repeated attempts personally, to recover them have not been successful. Should their contents ever reach the public, they will be found to contain other information than the following extracts.

After giving a lengthened detail of incidents by which "the other objects" may be established, the undersigned, in communication with T. H. Kirkpatrick, Esq., Barrister, Guelph, states :

" I will continue ; but now, I will advert, only *to the documents* and *relative actual apparent facts*, and I trust your suspicion, at least, is excited to the belief, if not conviction, that there does exist some latent object, which requires to be made palpable, and by oral evidence, ere the *real*, the *actual object* of that Agency is established. And I believe it will be more so, when you reflect that had that agreement been a *bona fide* agreement, by which every thing connected with it was truthfully explained and satisfactorily understood by the contracting parties, before it was entered into, then the settlement on separation would, as a mere matter of course, be simple and easy. The facts establish the opposite. After my resignation and Webster's acceptance. I spent *one year*, going to and meeting with him urging a settlement ; met once during that time with his Honor, the ex-Judge, and Webster, at Fergus, but into business they could not go, all that business, moreover, being only to give me a receipt for their fees, and an acknowledgement for the amount which Webster has admitted these parties owe me. About 13 months after my resignation, and for the first time, I wrote to the Fergussons, and to Webster, requesting a settlement, and in one of my letters I stated to his Honor that I was prepared to cancel any claim which, possibly I could have against him and Webster, provided he and Webster would close the affair ; but no reply. These Fergussons coil up into silent and insolent contempt; Webster blusters and bullies ; but no attempt made by either party to settle. The current of *secretly* and *privately* arranged measures for "*some other object*" is stopped somehow or somewhere, and settle they will not evidently, till they are compelled ; and I may now hope that you are satisfied that *these* measures of *theirs* have no consonance with the terms of the *written agreement*. In illustration, &c. &c."

N. B.—After spending the 13 months with Webster, another 8 months attempting to extract a settlement from the Fergussons, the subject was opened for mediation to a friend of James Webster, and to whom the undersigned (sending at same time referential documents) wrote in the following terms :

" FERGUS, 9th February, 1849.

To ——— ———, Esquire.

" SIR,—I beg to trouble you with the enclosed,not for publication,but for your consideration and advice.

" Though our respective residences were in near neighborhood with friends mutual, yet I believe we never met, except at an inquest held at , where I acted as Coroner, you as Foreman of the Jury. That, the rank and position of the parties, the importance and peculiarities of the subject to which I refer, induce me to become my own chaperon by sending the enclosed for your *private* perusal.

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from that, the wildest imaginings can scarcely comprehend the *real* the *actual object* of that *Land Agency*, or believe the intentions and observances of these parties towards me while that agency existed; and certainly I would not be justified in applying for advice, unless I was prepared to refer you to other parties who are known to you, who are of acknowledged respectability, and whose veracity may not be impeached.

"That swindle, though widely suspected, is not, I believe, known, and for certain beyond *Webster's shopmates*, but *the object* of the Agency had a wider range, among his private friends, and principally by his own representations. To several of these I might refer, but I select ——— ———, Esquire, as *the one* who I believe is the best informed of all circumstances, and *more particularly of the infamous private object of that Agency.*

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"I do not hesitate to refer this case to you, even you, though you are the avowed admirer of Webster and his excellencies. The case resolves itself into one of fraud, of individual oppression and injustice—*much worse.* In its *public references* it has necessity and strength in itself to enforce enquiry by the right-thinking, whatever may be the individual or recorded opinion of parties, and I have confidence so implicit in your integrity, as to convince me that you will neither withhold your assistance, nor refuse advantages that justice may be meted out to all parties whatever may be their reputation or conventional rank. It is enquiry I wish for, and whatever may be the consequences to any party, the subject is one of importance, as much so publicly as it is privately."

N. B.—After allowing a reasonable time to elapse, and nothing done, the undersigned sent copies of the preceding communication, one to the Honorable Adam Fergusson, and one to James Webster, at same time writing *to them* in the following terms, viz:

FERGUS, 9th March, 1849.

To James Webster, Esq., &c. &c., Fergus.

"SIR,—You will receive enclosed a copy of a communication which at its date was sent by me to , Esquire.

"I have also sent a like copy to the Hon. Adam Fergusson, of Woodhill, possibly he may show it to his son, the ex-Judge, and I may mention, that after you parties have had a reasonable time to commune, I proceed to action.

"You parties may consider the statements made in the enclosed as statements made by me publicly, and you may, if you please, take the initiative in proceedings in conformity. Whether you do so or not, is to me a subject of perfect indifference, as now I shall steadily pursue my own course of enquiry; but at same time be prepared to meet you parties provided you parties move first. Yet while, and in the meanwhile, I may or may not deprecate publicity, especially as my contemplated measures will leave publicity at the discretion of reputed respectable and discreet men; but if I find that any attempt is made to foil or circumvent me, I shall unhesitatingly, and promptly adopt alternatives.'"

"I am, &c. &c."

N. B.—Fergusson, agreeably to his invariable practice, took no notice of that communication, but Webster's conduct and language, publicly, were not those enjoined by the Magisterial oath. As bluster and outrage were adopted by the one party, insolent and silent contempt by the other party; but no attempt made by either party to settle the subject then was confided to the professional management of Mr. Kirkpatrick, and in addition to the preceding extracts, there are the following:

"Webster once, in reference to my contemplated Court proceedings, observed, '*just let him try himself.*' All these parties are apparently reposing complacently and with confidence under the impression that they cannot be reached, that the *real*, the *actual object* of that Fergus Land Agency cannot be established, or possibly, they attach importance to their rank and position, with all *that their private influence in active private combination*, or more probably they believe that their other measures, which, with zeal and assiduity they are driving will drive me from this District and this position, and thereby deprive me of the means and opportunity to force enquiry, and consequently preclude exposure of those their private practices which they know must unavoidably ensue from public investigation."

Again:—"It is certainly distressing to be driven to this alternative, but from the fraud, injustice, inexplicable obstinacy of these people and the very extreme peculiarities of that case, it is now a course unavoidable. How hidden, dark and desperate soever these measures be which these people have observed towards me, yet I do not despair of exposing those measures and establishing fraud, oppression, injustice—*much worse*, as well as the purity of my own motives and entire singleness of purpose; that, too, while by a cast as desperate as it was unprincipled, I have been thrown into and constrained to keep opposition (having affinity to that case) which creates a suspicion against me in every movement I make to enforce investigation in order to obtain justice. The struggle on the part of these people is for the maintenance of their elevated position, of their apparent integrity of principle and character, of, in short, their, in their own way, of the sovereignty of the Wellington District, provided the good sense of the people cannot be impressed with just convictions of the manner in which they are treated privately by these men. And from the course which *now* they insidiously observe towards me, it appears to be convincing that they will take every measure to injure me, in order to deprive me of the opportunity to institute enquiry. By persisting with such inveteracy as they do persit, and characteristically, so assidiously, they seem to be impressed with the importance as well as the consequences and result of the struggle. As for my part, yield I will not. If Webster (early contemplating the swindle) from malicious motives, under the aspect of kindness, publicly, insidiously and with desperate purpose, struggled, in order to accomplish *that object*, deemed as important to himself and his party, I am confident that I will establish the fact that *that Agency* was framed, and by fraudulence, to accomplish *that object* so infamous. And now the documents which you hold, and the *relative, actual, apparent facts* [illegible] convincingly, that the same malicious spirit is still existing in all its inveteracy, as these parties will not settle, but that they will persevere to injure, evidently to persecute me as if I was an individual proscribed."

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"You know these people, possibly their means, possibly their private practices with all their private influence in active private combination; and there, yes there, and in your possession are these veritable documents, absolutely establishing an engagement with its sequents as now narrated. You have seen me act under all these official appointments. You hold a letter of agreement by which these people engage to pay me at the rate of £125 a year for 2½ years, longer, yes, longer, if I liked. Urged to, yes, urged, and by fraudulence into that appointment, by parties who command and who use at their pleasure, the Crown patronage, &c. &c. All that, to perform the duties of that situation, which, as to duties, were no duties. Yet you hold documents establishing the fact that I cast [illegible] salary, that connection, these advantages, from me with feelings intense of indignation and disgust, to assume in preference the positi[illegible] apparently, of that of a laboring man, and now, and for nearly two years, I have exhausted courtesy, struggled, dared these people, yet I cannot procure an arrangement without encountering all those incidents connected with Court proceedings."

Again:—"All these proceedings are generated by a filthy venal act, my knowledge of which was incidental and acquired under circumstances which caused me pain, but which must have, from principle, commanded my confidence. That confidence I have faithfully maintained, under acts of fraud, of personal insult, oppression, injustice. But all these sustained inflictions appear only to excite parties to perpetrate outrage, to increased aggravated acts of unmitigated oppression and insult, till now my determination to exact justice knows no limit. Still, and with every confidence, I confide this case to your integrity and professional management, to apply peacefully for redress; and while I am aware that you will observe towards these people all but only the requisite courtesy, yet, and notwithstanding any apparent disparity in our conventional rank, you will be to me the firm, the faithful, the unflinching advocate of my rights, and *now* avoid all avoidable compromise."

By the Undersigned,

JOHN FOOTE.

To *Mr.* + + +

Reeve of the Township of + + / , *Fergus.*

SIR:—In a like peaceful spirit, and with feelings sincere of attachment and respect to the authorities and laws of our common country, I now submit these very Abstract Statements for your consideration, and beg that you will view them merely as preliminary to a Petition which I will lay before you collectively, in order to obtain your advice.

Having been subjected to fraud—having repudiated the connection and the patronage of parties whose practices I detest: having, and I believe, necessarily, placed into abeyance these Commissions which I hold from the Crown, and that from the Judges of the Queen's Bench. Having suffered serious injury, still, insiduously and virulently persisted in against me by *Adam Fergusson*, known as the Hon. Adam Fergusson, of Woodhill, and *James Webster*, Fergus; and convinced that, now, to me, every avenue to Court Enquiry, on that subject

is closed, I have now no alternative but to fall back upon you, the Freeholders of the land. You who, as such, are constitutionally acknowledged as the source, the fountain, of all power—the last, the valued alternative in the Administration of Justice between man and man whose rights as such are courted, cherished by your government; and who now, as Reeves, are chosen and raised by your neighbors from the turmoil and indecision of a people to the calm dignity of a deliberative assembly. It is now to you, as *Freemen*, and as a *Deliberative Assembly*, that I will apply for, and crave your advice, that enquiry may be instituted, as it is enquiry I wish for, as whatever may be the consequences to any party, the subject is one of importance, as much so *publicly* as it is *privately*.

Yet I know not why I should be dragged from my cherished obscurity to state such facts, to complain of fraud, oppression, injustice, *much worse*, as emanating from a *Family* who publicly denounce, publicly detest, abominate, abhor, such practices. A *Family* who hold high rank and consequence, and somehow, your confidence in the direction and management of your public affairs, and who, as a *Family*, and from among themselves, supply you with all political ingredients, with principles, professions—with information and high intelligence, receiving your consideration; and who, too, as a *Family* lend their aid to raise money from the *Public*, aid Government to bestow that public money for the good of the public, and who too, and also, as a *Family*, aided by private influence and active private combination, intercept, clandestinely, that public money, and apply it for the *private* use of *themselves* and their *Families*, to the prejudice of that public from which that money was raised; and who, (having affinity to that job) still as a family adopt fraud, individual oppression, for *an object much worse*. It is then by that holy and indissoluble tie that binds man to man, for mutual protection and safety, and with the brotherly integrity of a Freeman—but injured—that I do firmly remind you, firmly repeat, that 'it is enquiry I wish for, as whatever may be the consequences to any party, the subject is one of importance as much so publicly as it is privately, and that justice may be meted out to all parties, whatever may be their reputation or conventional rank."

I am, with faithful regard,

JOHN FOOTE.

P. S.—Copies of the preceding will be sent, one to the Honorable Adam Fergusson, one to the ex-Judge, A. J. Fergusson, M.P.P., one to James Webster Fergus, one to each Town Reeve of each Township of the District, ~~as well as one to each Editor of each newspaper published in the District.~~

J. F.